

CLEANUP AND ABATEMENT ORDER NO. 98-42
for the
CITY OF LAGUNA BEACH
ORANGE COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds that:

1. The City of Laguna Beach is subject to Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Systems*.
2. Prohibition A.1 of Order No. 96-04 states that the discharge of sewage from a sanitary sewer system at any point upstream of a sewage treatment plant is prohibited.
3. The City of Laguna Beach has discharged wastes in violation of Order No. 96-04 on March 17, 1998 from failure of a forty year old force main at City of Laguna Beach Pump Station 14.
4. By sewer overflow report fax dated March 18, 1998, the City of Laguna Beach reported the spill and that construction of a replacement pipeline will be complete by May 1998.
5. This enforcement action is being taken for the protection of the environment and, as such is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15108, Chapter 3, Title 14, California Administrative Code.

IT IS HEREBY ORDERED that, pursuant to Section 13304 of Division 7 of the California Water Code:

1. The City of Laguna Beach shall take the necessary remedial action to cease threatened violations of Order No. 96-04 and shall abate the effects of past violations of Order No. 96-04 forthwith.
2. The City of Laguna Beach shall complete construction of the replacement pipeline as described in its March 18, 1998 sewer overflow report fax by May 31, 1998.
3. The City of Laguna Beach shall take preventive measures to protect the existing pipeline during construction of the replacement pipeline.

4. The City of Laguna Beach shall submit monthly reports discussing the status of the District's compliance with this Cleanup and Abatement Order. The reports are due by the last day of each month. The City of Laguna Beach shall include in the first monthly status report a discussion of any past and proposed measures to abate the effects of past violations.

Pursuant to California Water Code Section 13350, any person who intentionally or negligently violations a cleanup and abatement order may be liable civilly in an amount which shall not exceed five thousand dollars (\$5,000), but shall not be less than (\$500), for each day in which the cleanup and abatement order is violated.

JOHN H. ROBERTUS
Executive Officer

Date issued: March 23, 1998

RWM

File: 01-0753.02